

## **CHAPTER 70-01-02**

### **RULES FOR PLEADING AND PRACTICE**

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**70-01-02-01. Place of hearing.** All hearings shall be held at a location designated by the commission in its notice of hearing.

**History:** Amended effective January 1, 1992; April 1, 1996.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(3)

**70-01-02-02. Public hearing.** All hearings conducted by the commission, or its duly authorized employees, shall be open to the public, unless otherwise ordered by the presiding officer at the hearing, or specifically provided by statute.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 44-04-19

**70-01-02-03. Rules of procedure.** The rules of procedure of the real estate commission shall be those adopted by the commission, together with those procedures outlined in North Dakota Century Code chapter 28-32.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 28-32, 43-23-11.1(3)

**70-01-02-04. Pleading.** The form of pleading before the real estate commission shall be the same as that employed in the district courts of North Dakota. The caption of such pleadings should include: "BEFORE THE NORTH DAKOTA REAL ESTATE COMMISSION".

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(3)

**70-01-02-05. Conduct of hearing.** The hearing shall be conducted and presided over by a member of the commission or such subordinate as may be designated to hear the matter by the chairman of the commission.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(3)

**70-01-02-06. Prehearing conference.** In any matter pending before it, the commission may direct any party, or attorney for any party, to appear before the commission for the purpose of considering simplification of the issues, amendments to the pleadings, obtaining admission of facts or documents which will avoid unnecessary proof, and such other matters as may aid in the disposition of the matter. Such orders may be made, as may be necessary, to show the action taken at such prehearing conference.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(3)

**70-01-02-07. Depositions.** The commission or any party may in an investigation of hearing cause the deposition of witnesses or parties residing within or without the state to be taken in the manner prescribed by law.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(3)

**70-01-02-08. Hearings.**

1. Proceedings going to the revocation or suspension of licenses may be initiated by a verified complaint of an individual or an individual's representative. Proceedings requesting the promulgation, amendment, or repeal of any rules of the commission may be initiated on a verified petition by an individual, or an individual's representative.
2. The commission may in its discretion initiate proceedings to revoke or suspend a license whenever an investigation by the commission or its employees discloses probable grounds therefore. No hearings shall be initiated until a motion duly authorizing the hearing has been recommended by the commission.

**History:** Amended effective May 1, 1986.

**General Authority:** NDCC 28-32-02, 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(3)

**70-01-02-09. Service of process.** Complaints, notices, orders or other processes of the commission shall be served personally, or by registered or certified mail, as the real estate commission may direct. Time for answering, or

time required on other motions, shall be as prescribed by the commission by rule, or in the absence of such rule, as prescribed by the district courts of North Dakota.

**History:** Amended effective May 1, 1986.

**General Authority:** NDCC 28-32-02, 43-23-11.1(3)

**Law Implemented:** NDCC 43-23-11.1(2)(3)

**70-01-02-10. Rehearings and appeals.** The procedure for rehearing and appeals shall be that prescribed in North Dakota Century Code chapter 28-32.

**General Authority:** NDCC 43-23-11.1(3)

**Law Implemented:** NDCC 28-32-14, 28-32-15